



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.2978 of 2017
and Crl.M.P.No.2276/2017

Sam Sundarapandian @ Pandian .. Petitioner/Sole Accused
Vs.

1.State rep. by the Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
Crime No.11/2017 ..1st Respondent/Complainant

2.Vasanthan ..2nd Respondents/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. Praying to call for the records relating to the First Information Report in Crime No.11 of 2017 on the file of the 1st respondent police station and quash the same.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.K.Anbarasan for R1
Government Advocate (crl.side)

ORDER

This criminal original petition has been filed to quash the case in Crime No.11/2017 on the file of the 1st respondent police.

2. Mr.Ponnaiyan, Special Sub Inspector of Police, Kotticode Police Station, Kanyakumari District, is present before this Court.

3. On the complaint lodged by one Vasanthan/2nd respondent, the respondent police registered a case in Crime No.11/2017 on 30.01.2017 under Sections 341, 294(b), 323, 427, 307 and 506(ii) IPC against the petitioner herein. Challenging which, the petitioner is before this Court with this petition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the 1st respondent.

5. The learned counsel for the petitioner contended that the entire allegations in the FIR is concocted and that it has been lodged pursuant to the instigation of the police. He further contended that the de-facto complainant had not even given such a



complaint and that the police have suo motu framed the complaint.

6. Per contra, the learned Government Advocate (Crl. Side) submitted that there are five previous cases against the petitioner.

7. On a reading of the FIR, it is alleged by the de-facto complainant that his brother's vehicle was burnt and in connection with that when the de-facto complainant's brother was making enquiries as to who had set fire to his vehicle, on 30.01.2017, around 11.30 a.m., the petitioner herein came by his motorbike bearing Registration No.TN 75 5656 and accosted and threatened him. He said to have even attacked the de-facto complainant. Of course, the de-facto complainant did not suffer any injuries.

8. The learned counsel for the petitioner submitted that the petitioner was illegally arrested on 29.11.2016 itself and when his wife gave a representation, the present case was foisted.

9. In the considered opinion of this Court, the disputed question of facts cannot be gone into in a petition under Section 482 Cr.P.C. The FIR discloses the commission of cognizable offences, which requires a full-fledged investigation by the police. Under such circumstances, this petition is dismissed with a direction to the Assistant Superintendent of Police, Thuckalay Sub Division to monitor the investigation in crime No.11/2017 and if it is found to be false, it is needless to state that the same shall be closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-III)

/True Copy/

Sub-Assistant Registrar

To

1.The Assistant Superintendent of Police,
Thuckalay Sub Division, Kanyakumari District

2.The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO MR.K.P.NARAYANA KUMAR,ADVOCATE,SR NO.15233

RR

MAS/RR/SAR3:04.04.2017:2P-5C

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